

Expanding Voter Registration for Low-Income Citizens:

HOW NORTH CAROLINA IS REALIZING THE PROMISE OF THE NATIONAL VOTER REGISTRATION ACT

When Congress passed the National Voter Registration Act (NVRA) in 1993, its goals were to “increase the number of eligible citizens who register to vote in elections for Federal office” and “protect the integrity of the electoral process.” Yet, while most states created effective programs for mail-in and motor vehicle department-based registration processes, many neglected the NVRA’s social services agency requirements (detailed in Section 7 of the Act). This paper outlines and highlights the outstanding and thorough work of the North Carolina State Board of Elections in responding to evidence that the state was falling short of NVRA Section 7 requirements. In 18 months, the state became a model for NVRA compliance, boasting an almost six-fold increase in the number of public assistance clients registering to vote.

THE PROBLEM DISCOVERED

As stated above, the NVRA requires that states provide voter registration opportunities not just in motor vehicle departments, but also that they designate all public assistance offices as voter registration agencies.¹ Data released by the Federal Election Commission and the Election Assistance Commission show that registrations at public assistance agencies dropped 79 percent between 1995-1996 and 2005-2006.² Meanwhile, in 2006, only 60 percent of citizens in households earning less than \$25,000 per year were registered to vote—versus 80 percent in households earning \$100,000 or more.³ While the NVRA was introduced with the intention of expanding voter participation, poor state compliance with Section 7 actually exacerbates the ongoing under-representation of low-income citizens on the voter rolls.

In 2004, the NVRA Implementation Project—a collaboration between Dēmos, Project Vote and ACORN—launched a nationwide effort to enhance and improve voter registration procedures in public assistance agencies, with the goal of increasing registration among low-income citizens. In October 2005, the project published *Ten Years Later, A Promise Unfulfilled: The National Voter Registration Act in Public Assistance Agencies, 1995-2005*, a report using historical data analysis and field visits to public assistance agencies to demonstrate widespread non-compliance with the NVRA. The report concluded with a

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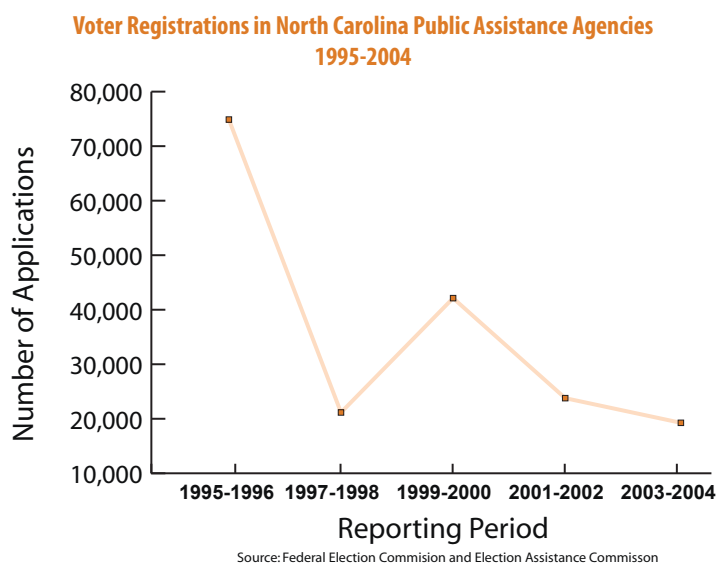
review of best practices and policy recommendations. One month later, the project published *Maximizing Voter Registration Opportunities In Human Services Agencies: An Important Responsibility For Agencies And Clients*, a guide for states to use in assessing and improving implementation of voter registration services at public assistance agencies. More recently, the groups have published *Unequal Access: Neglecting the National Voter Registration Act, 1995-2007*, a follow-up to *Ten Years Later*, updating its analysis to include the most current data and the groups' recent field experiences.

Subsequent to, and based in part on, the information contained within the original two publications, the project (which from this point included Lawyers' Committee for Civil Rights Under Law) in 2005 and early 2006 designed and executed a survey to evaluate the extent to which voter registration opportunities were provided at public assistance agencies in states around the country. Based on the findings of the surveys conducted, it was clear that many states were not meeting the federal mandate, including North Carolina. The project then contacted state officials in selected locations to offer assistance to bring the states into compliance with the NVRA. The response by the North Carolina State Board of Elections (SBOE) was immediate. After seeing the evidence, the SBOE, within a very short period of time, developed and began to execute a comprehensive "re-implementation" plan. The report below documents the impressive and prompt work done in the state of North Carolina.

THE NORTH CAROLINA STORY

The 2005-06 surveys in North Carolina suggested a serious lack of compliance with Section 7 of the NVRA. Conducted outside public assistance offices in two of North Carolina's major cities, Raleigh and Greensboro, the surveys yielded not a single person who was offered voter registration services.⁴

Federal and state data underscored the problem. Data submitted by North Carolina to the Federal Election Commission and Election Assistance Commission indicated a 73.5 percent decline in public assistance voter registrations in the state between initial implementation of the law in 1995-1996 and 2003-2004.⁵ Between 2003 and 2005 alone, public assistance voter registrations declined statewide by 16 percent,⁶ even though the number of North Carolina households participating in the Food Stamp Program increased by 24 percent and participation in the WIC program increased by 6.5 percent during that same time period.⁷



Information from North Carolina counties also indicated that the public assistance offices were not providing voter registration services as required. Public assistance offices in 45 of North Carolina's 100 counties experienced a decline in voter registrations between 2003 and 2005. Incredibly, public assistance offices in 25 counties experienced a decrease in registrations in 2004 as compared to 2003—even though 2004 was a presidential election year and logically should have seen an upswing in registrations. In 2005, public assistance offices in each of 35 counties registered fewer than 10 clients and public assistance offices in 11 of those 35 counties did not register a single client. Finally, public assistance offices in four counties *failed to register even one client* in the three years for which data was provided.

Experts from the project contacted Gary Bartlett, the Executive Director of the SBOE since 1993, to convey the seriousness of North Carolina's compliance problem. Mr. Bartlett expressed concern at the survey findings. He described North Carolina's proud history of implementing the NVRA in the mid-90s when many states resisted implementation and filed lawsuits to have the law declared unconstitutional. Mr. Bartlett shared his strong commitment to solving the problem and acted quickly on that pledge.

Within two months, the advocates and Mr. Bartlett agreed to a comprehensive compliance plan for the state. The plan incorporated many elements recommended in *Maximizing Voter Registration Opportunities in Human Services Agencies*, including:

Coordination with public assistance agencies

- » Produce Certificates of Cooperation between agencies and State Board of Elections.⁸
- » Provide signage regarding voter registration for agencies to display in waiting rooms and offices.

Advise agencies they must do each of the following

- » Offer voter registration to clients who are applying, recertifying, or changing their address with respect to public assistance, even if they are doing so by phone, Internet or mail.
- » Collect voter registration forms.
- » Make voter registration forms available in waiting areas.
- » Provide assistance with completing the form and advise as to what fields must be completed.
- » Advise frontline employees to call the help desk when needed.
- » Designate and identify a NVRA Site Coordinator in each office.⁹

Training

- » Revise the state's NVRA training manual.
- » Provide an annual training via webcast for frontline agency personnel in October of each year.

- » Make “train the trainer” sessions available upon request.¹⁰
- » Include PowerPoint, video and reference materials on SBOE website.
- » Create 800 number help desk.
- » Hold two meetings annually with representatives of each agency. Meetings will take place in July/August and February/March so that they occur prior to the heavy registration periods that precede primary and general elections.

Compliance

- » Track weekly, by email, the number of voter registration applications and Voter Preference Forms.¹¹
- » Conduct spot check compliance reviews by district election technicians.¹²

The state’s plan included both public assistance agencies as well as other designated agencies, like the Employment Security Commission, which is the agency responsible for processing unemployment claims.

During the summer of 2006, North Carolina began to actively “re-implement” the public assistance requirements of the NVRA by putting the agreed-to compliance plan into operation. Within six months, the state took significant steps toward full implementation of Section 7, including: distributing to the agencies signs that alerted clients to the opportunity to register; identifying NVRA coordinators for each county; substantially revising the training manual; making “train the trainer” workshops available upon request; creating the first version of a PowerPoint training made available on its website; establishing an 800 number help desk that is receiving phone calls; and holding the first of its biannual meetings with agency heads. The state also advised agencies that they must offer voter registration to clients who are applying, recertifying or changing their address with respect to public assistance, in addition to collecting voter registration forms, making voter registration forms available in waiting areas, and providing assistance with completing the voter registration form.

Perhaps most importantly, the SBOE rolled out an e-mail tracking system and in-person unannounced compliance spot checks, thus providing the information and mechanisms for accountability. In the past, the local public assistance agencies sent information only to county boards of elections, often only when they registered clients. Now, the NVRA Site Coordinator for each local public assistance agency sends a weekly report *directly* to the State Board of Elections. In addition, district election technicians are visiting every county public assistance office; even the General Counsel for the SBOE is participating in these spot checks. The data is then kept and monitored at the state level.

Finally, execution of the compliance plan has included, and continues to include, outreach and significant communication. The SBOE consults and coordinates with the advocates—whether regarding edits to the substance of training materials, troubleshooting agency resistance, discussing reporting procedures, or providing legal exper-

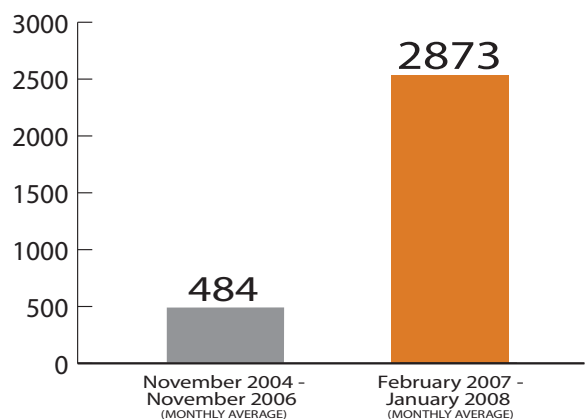
tise on the requirements of the NVRA. Indeed, the SBOE has called the relationship “healthy, engaging, and productive.”¹³ The SBOE also has held regular meetings with several groups of agency heads around the state: a “kick-off” meeting with representatives from each of the agencies subject to NVRA’s voter registration requirements, a meeting with the Executive Commission of County Social Services, and meetings with the Social Services directors in the state’s three different regions.

The experience of North Carolina is proof that effective NVRA implementation in public assistance agencies can greatly increase the number of low-income citizens registering to vote. Between February 2007 and February 2008,¹⁴ North Carolina’s public assistance agencies registered over 34,400 low-income voters, or an average of 2,873 per month. In contrast, the state had registered a total of only 11,607 voters in its public assistance offices during the *entire preceding two years*, an average of only 484 per month. Thus, the data suggest an almost six-fold increase in the number of clients registering to vote as a result of re-implementation.

Additional improvements include:

- » Buncombe County, which includes the city of Asheville, registered over 700 low-income public assistance clients in 2007, over 100 times as many as they registered in all of 2005 and 2006 combined.
- » Beaufort County, a county with a large black population and an 18 percent poverty rate,¹⁵ saw an increase in public assistance voter registrations of almost 3,500 percent in 2007 compared to the preceding two years combined.
- » At least 87 of North Carolina’s 100 counties registered more voters at public assistance agencies in 2007 than they did in the preceding two years combined.¹⁶

Average Monthly Voter Registrations in North Carolina’s Public Assistance Agencies: 2004-2006 vs. 2007



Conclusion: North Carolina is a Model for Other States Regarding Agency-Based Voter Registration

When presented with information that public assistance agencies were not providing voter registration services, Gary Bartlett and the North Carolina State Board of Elections acted quickly and effectively to rectify the situation. The state’s re-implementation plan is a model for the many other states across the country that are failing to fully comply with Section 7 of the NVRA. Because of these efforts, hundreds of thousands of low-income North Carolinians will be drawn into the democratic process. For this, Mr. Bartlett and his team at the SBOE should be fully commended.

ENDNOTES

1. At a minimum, this includes all offices that administer the Food Stamp Program, Medicaid, Temporary Assistance for Needy Families (TANF), and Special Supplemental Nutrition Program for Women, Infants and Children (WIC).
2. U.S. Federal Election Commission, *The Impact of the National Voter Registration Act of 1993 on the Administration of Elections for Federal Office, 1995-1996, 1997-1998, 1999-2000, 2001-2002*, and U.S. Election Assistance Commission, *The Impact of the National Voter Registration Act of 1993 on the Administration of Elections for Federal Office, 2003-2004, 2005-2006*, <http://www.eac.gov/clearinghouse/reports-and-surveys/>
3. U.S. Census Bureau, Current Population Survey, November 2006 Supplement, analysis by Dēmos.
4. Individuals leaving public assistance offices were surveyed between December 2005 and February 2006. Of 94 individuals surveyed, 79 should have been offered voter registration opportunities as per NVRA requirements. Of those 79, 65 respondents offered a yes or no answer to the question of whether they were asked by an agency employee, at any time, if they wished to register to vote. Of those 65, not a single respondent reported that he or she was asked to register to vote by an employee. Sixty-five provided a yes or no answer to the question of whether they were provided a declination form (a form that asks whether the individual would like to register to vote). Of those 65, not a single respondent reported being provided a declination form.
5. Brian Kavanagh, et al., *Ten Years Later, A Promise Unfulfilled: The National Voter Registration Act in Public Assistance Agencies, 1995-2005* (Dēmos, ACORN, and Project Vote, July 2005), <http://www.demos.org/pub634.cfm>.
6. Dēmos calculated this figure based on annual NVRA reports provided to it by the State Board of Elections (SBOE). The majority of the data was reported to the SBOE from the counties through an online tracking system. Paper records provided by the SBOE supplemented the reports. The data indicates that there were 10,007 public assistance voter registration applications in 2003 and 8,443 in 2005.
7. Federal data indicates there was a monthly average of 276,321 North Carolina households participating in the Food Stamp Program in 2003, and 343,397 households in 2005. See <http://www.fns.usda.gov/pd/16fsfyhh.htm> (last viewed April 16, 2007). Federal data also shows that the WIC program had 211,574 North Carolina participants in 2003 and 225,252 participants in 2005. See <http://www.fns.usda.gov/pd/26wifypart.htm> (last viewed April 16, 2007).
8. Certificates of Cooperation are agreements made between different state agencies in North Carolina and outline the respective mutual obligations that the participating agencies have to one another.
9. NVRA Site Coordinators are responsible for maintaining voter registration supplies, training employees in the voter registration process, resolving site questions and problems related to voter registration services, monitoring the day-to-day administration of voter registration services, transmitting relevant forms to county boards of elections, and communicating with local and state election officials.
10. “Train the trainer” refers to a program in which the SBOE trains NVRA Site Coordinators about the provision of voter registration services and the NVRA. The trained individuals then use the training they received to train frontline personnel, like caseworkers at their respective agencies, on the same topics.
11. A Voter Preference Form, also known as a declination form, contains the following questions and statements mandated by Section 7 of the NVRA: (1) “If you are not registered to vote where you live now, would you like to apply to register to vote here today?”; (2) “Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency”; (3) boxes for the applicant to check to indicate whether the applicant would like to register or decline to register to vote, together with the statement, “IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME.”; (4) “If you would like help in filling out the voter registration application form, we will help you. The decision whether to seek or accept help is yours. You may fill out the application form in private.”; and (5) “If you believe that someone has interfered with your right to register or to decline to register to vote, your right to privacy in deciding whether to register or in applying to register to vote, or your right to choose your own political party or other political preference, you may file a complaint with _____.”; the blank being filled with the name, address, and telephone number of the appropriate official to whom such a complaint should be addressed.
12. District election technicians are field representatives of the SBOE that are responsible for making sure that counties are in compliance with state and federal laws as to voter administration, voter registration, and voting systems. There are eight district election technicians located in different parts of the state.
13. Testimony of Johnnie McLean, Deputy Director, North Carolina State Board of Elections, before the Subcommittee on Elections of the Committee on House Administration of the U.S. House of Representatives, April 1, 2008, available at http://cha.house.gov/userfiles/92_testimony.pdf.
14. For the remainder of this report, the period from February 1, 2007 until January 31, 2008 will simply be referred to as “2007.”
15. U.S. Census Bureau, “State and County Quick Facts,” available at <http://quickfacts.census.gov/qfd/states/37/37013.html> (last viewed April 22, 2008).
16. The number of counties that registered more voters in 2007 than 2005-2006 is likely even higher than reported because several counties did not provide data for the full 12-month period between February 2007 and February 2008.

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